REMARKS

Claims 1-26 are currently pending in the subject application and are presently under consideration. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments herein.

1. **Rejection of Claims 1-4, 7-9, 13, 16, 18-19, 20-23 and 25-26 Under 35 U.S.C. §102(e)**

Claims 1-4, 7-9, 13, 16, 18-19, 20-23 and 25-26 stand rejected under 35 U.S.C. §102(e) as being anticipated by Hirata (US 6,374,406). Withdrawal of this rejection is respectfully requested for at least the following reasons. Hirata fails to teach or suggest each and every claim limitation set forth in the subject claims.

> A single prior art reference anticipates a patent claim only if it expressly or inherently describes ***each and every limitation set forth in the patent claim***. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical ***invention must be shown in as complete detail as is contained in the ... claim***. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

The present invention relates to a token schema for facilitating identification of a broadcast audio and/or visual program that may be recorded. In particular, a token with a schema that includes program criteria for identifying a corresponding audio and/or visual program is utilized to enable a recording system that receives the token to record the identified program based on the schema. Independent claim 1 recites ***a token having a schema that identifies a corresponding program so that a recording system receiving the token is programmable to record the program based on the token, the token being transportable between at least two computers***. Independent claims 8, 16, 20 and 22 recite a similar limitation. Hirata is silent regarding such novel features of the claimed invention.

Rather, Hirata discloses a method for utilizing electronic mail to program household appliances to perform a set of predetermined tasks. *See*, col. 10, lines 49-54.

Hirata however, is silent regarding utilizing a token with a schema that has a multi-level data structure with a plurality of fields that stores different types of information that not only identifies pertinent audio and/or visual program information for a corresponding segment of broadcast information so as to enable a token enabled device to add program criteria to a program list for recording at future date and time, but also information that can be traced through a token GUID, and ancillary information with respect to a selected program and mode of broadcast. *See*, page 30, line 27-page 33, line 28, and Table I. Nowhere in Hirata is this novel use of tokens to identify audio and/or visual program information discussed or alluded.

The Examiner indicates that Hirata discloses the entirety of applicants' invention at col. 5, lines 31-35 and col. 5, lines 55-64. The Examiner states that col. 5, lines 31-35, discloses terminals that can be connected locally to a LAN or across the Internet, and col. 5, lines 55-64, discloses passing parameters within an email for recording a video program. However, the language of the subject claims relates neither to the connection of terminals locally to a LAN or across the Internet, nor to passing parameters within an email for recording video programs. Rather, as discussed *supra*, the subject claims are directed towards the utilization of a novel token, the token comprising a schema, the schema being a multi-level data structure that allows a token enabled recording device to record a broadcast program based upon the contents embodied in the schema and encapsulated within the token. It would appear, therefore, that the Examiner has either misread or misconstrued the subject claims and has, thus, not responded to the full force of applicants' representative's prior arguments.

The Examiner, in the Response to Arguments section of the Final Office Action dated May 10, 2004, with respect to independent claims 8, 16, 20 and 22, argues that Hirata teaches the use of a token by relying upon dictionary definitions provided by Merriam-Webster's Collegiate Dictionary (10th ed. 1999), and the Microsoft Computer Dictionary (4th ed. 1999), respectively. Applicants' representative contends the definition provided by Merriam-Webster's Collegiate Dictionary, fails to teach or suggest the token as specified in applicants' claimed invention. Further, the definition as provided by the Microsoft Computer Dictionary (4th ed. 1999), which states:

> **token** *n.* **1.** A unique structured data object or message that circulates continuously among the nodes of a token ring and describes the current state of the network. Before any node can send a message, it must first wait to control the token. *See also* token bus network, token passing, token ring network. **2.** Any nonreducible textual element in data that is being parsed – for example, the use in a program of a variable name, a reserve word, or an operator. Storing tokens as short codes shortens program files and speeds execution. *See also* Basic, parse. Microsoft Computer Dictionary 444 (4th ed. 1999).

fails to elucidate the full scope of applicants' conception regarding the token schema. Part 1 of the above definition provides a "unique structured data object or message that circulates continuously among the nodes of a token ring and describes the current state of the network." *Id.* It is apparent that the token provided in the definition is one that continuously circulates among the nodes of a token ring network. The token so provided does not comprise a multi-level data structure that facilitates programming a token device as is provided in the subject claims, but rather is simply a data object that allows the node controlling the token to transmit data onto the token ring, whereupon, once the node controlling the token has completed transmission of its data, the node sends the token to the next node in the ring.

Part 2 of the definition provides that a token is "[a]ny nonreducible textual element in data that is being parsed – for example, the use in a program of a variable name, a reserve word, or an operator." *Id.* Such a definition is contrary to the teaching of the invention as claimed. As stated earlier, applicants' novel conception of a token is one that comprises a schema, the schema being a multi-level data structure that allows a token enabled recording device to record a broadcast program based upon the contents embodied in the schema, the schema encapsulated within the token. Therefore, it is apparent that the token as described in the subject claims is much more than a nonreducible textual element, such as a variable name, reserved word or an operator. Thus, it is submitted the cited dictionary definitions fail to capture the true nature and extent of applicants' novel token.

Moreover, the Examiner is reminded that applicants' can be their own lexicographers.

> It is black letter law that a patentee can choose to be his or her own lexicographer by clearly setting forth an explicit definition for a claim term that could differ in scope from that which would be afforded by its ordinary meaning. ***The specification acts as a dictionary when it expressly defines terms used in the claims*** or when it defines terms by implication. Where the patentee has clearly defined a claim term, that definition usually is dispositive; it is the single best guide to the meaning of a disputed term. *Guttman, Inc. v. Kopykake Enters.*, 302 F.3d 1352 (Fed. Cir. 2002) (citations omitted) (emphasis added).

The instant specification provides a clear definition of the novel token and schema that comprises the token, at page 30, line 27-page 33, line 28, and Table I. Accordingly, and in view of at least the foregoing, the rejection of independent claims 1, 8, 16, 20 and 22, and those claims that depend therefrom, should be withdrawn.

II. Rejection of Claims 5-6, 10-12, 14-15, 17 and 24 Under 35 U.S.C. §103(a)

Claims 5-6, 10-12, 14-15, 17 and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hirata (US 6,374,406). This rejection should be withdrawn for at least the following reasons. Claims 5-6, 10-12, 14-15, 17 and 24 depend from independent claims 1, 8, 16, 20 and 22, and for reasons stated *supra*, Hirata fails to cure the aforementioned deficiencies with respect to the independent claims from which these dependent claims depend. Accordingly, withdrawal of this rejection is respectfully requested.

CONCLUSION

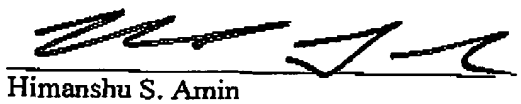
The present application is believed to be in condition for allowance in view of the above comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN & TUROCY, LLP



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